

CC-04-16

4th Compliance Committee of the South Indian Ocean Fisheries Agreement
(CC4)

09-11 November 2020 (online)

Intersessional decisions

Relates to agenda item: 10

Working paper Info paper

SIOFA Secretariat

Abstract

In accordance with SIOFA RoP 13.12, where any decision is taken intersessionally, the Executive Secretary shall include an agenda item on decisions taken intersessionally at the following Meeting of the Parties.

Due to the Coronavirus Pandemic, this year has been rich in intersessional decisions.

A. Several subsequent decisions were taken to suspend the obligations set by CMM2019/01 para 39 regarding observer coverage. These decisions were initiated by the Cook Islands and Japan:

- On 20th March 2020, the Secretariat transmitted an intersessional decision submitted by Cook Islands concerning the suspension of compliance to CMM 2019/01 para 39 regarding observers coverage due to international travel bans and regulations in relation to the ongoing COVID-19 outbreak, and suggested to put in place this suspension until 31 December 2020. The outcome is that the Cook Islands were permitted to derogate from the observer coverage in CMM 2019-01 para 39(a) until 31st May 2020. **(ref SIOFA Circular 2020/01)**
- On 14th April 2020, the Secretariat submitted an intersessional decision from the MoP Chairpersons based on a letter from the Head of Delegation from Japan to temporarily suspend observer coverage obligation. The majority of respondents supported this derogation being in effect for three months. However, one respondent only supported a 1-month derogation. Therefore, the proposal for Japan to temporarily derogate from the obligation for observer coverage in CMM 2019/01 para 39(a) applied until May 31. **(ref SIOFA Circular 2020/04)**
- On 21th May, the Secretariat transmitted an intersessional decision concerning the suspension of paragraph 39(a) in CMM 2019/01 concerning the obligation for 100% observer coverage on trawl vessels for the Cook Islands and Japan (ref. 2020-05-21-2/SIOFA-ES/CH). All respondents have expressed support for the decision. A consensus on these amendments was confirmed. Paragraph 39(a) continued to be suspended for the Cook Islands and Japan under revised conditions that took effect from 1 June 2020 to 31 July 2020. **(ref SIOFA Circular 2020/05)**
- On 15th July 2020 the Cook Islands requested an intersessional decision to extend the derogation of the obligation for 100% observer coverage on their trawl vessels as required under CMM 2019/01, para.39(a). As per the intersessional decision on this matter communicated in the document "20200531 Outcome on decision on observer coverage" by the Co-Chairs transmitted on 31st May 2020 (CK time), the Cook Islands sought an extension of this decision for them and for Japan, a further 5 months through to the 31st December 2020. The decision passed but only for a 3-month duration. **(ref SIOFA circular 2020/09)**
- On 25th August the Secretariat transmitted a proposition from Japan to amend SIOFA CIRCULAR No.009/2020 with the Intersessional decision 2020-07-30-1 which extends the derogation of the obligation for 100% Observer coverage on trawl vessels as required under CMM 2019/01. Japan is seeking a replacement of the last paragraph of the decision, which requests relevant CCPs to submit their proposals for a new intersessional decision by 15 October 2020, with the following paragraph.

“Three weeks before the expiry date of this decision, the Secretariat will advise members that the derogation shall automatically be extended for 3 months unless there is an objection circulated to all CCPs with reasonable grounds for discontinuation of the derogation to be provided within one week from the circulation of the Secretariat’s advice.”

The quorum requirement has not been met yet; the Secretariat is still waiting for some parties' answers.

B. The sanitary situation and travel bans did not allow the annual meetings of the SIOFA to be convened during their usual timeframe. Several decisions were taken to take time and organize these meetings in a more suitable manner:

- On 11th March, the Secretariat transmitted an intersessional decision concerning the scheduling of the SIOFA Scientific Committee and the Protected Area and Ecosystems Working Group and stock and Ecological Risk Assessment Working Group. The proposal to postpone the Scientific Committee meeting and the proposal to postpone both the PAEWG and SAERA meeting passed. **(ref SIOFA Circular 2020/02)**
- On 20th March 2020, the SIOFA Secretariat transmitted an intersessional decision on behalf of the interim chairpersons concerning the scheduling of the SIOFA Meeting of the Parties (scheduled for 5 July –9 July 2020) and Compliance Committee (scheduled for 1 July 2020 –3 July 2020). The proposal to postpone the SIOFA 7th Meeting of the Parties and the Compliance Committee to a later date passed on 27 March 2020. **(ref SIOFA Circular 2020/03)**
- On 18th August 2020, the Secretariat transmitted an intersessional decision concerning three proposals:
 - 1) *To convene the Meeting of the Parties on 17-20 November 2020 through a mix of correspondence and video conferences. Specific topics for discussion by correspondence and video conferences will be decided through a separate intersessional decision.*
 - 2) *To conclude the Compliance Committee at least 48 hours prior to the Meeting of the Parties through a mix of correspondence and video conference. Specific topics for discussion by correspondence and video conferences will be decided through a separate intersessional decision*
 - 3) *3) To agree that the Compliance Committee Chair should consult delegations on dates for the Compliance Committee once the date of the Meeting of the Parties has been set.*These decisions have passed with a consensus. **(ref SIOFA Circular 2020/10)**
- On 25th August 2020, the Meeting of the Parties agreed to an intersessional decision to:
 - 1) *Convene the Meeting of the Parties through a mix of correspondence and video conferences. Specific topics for discussions by correspondences and videoconferences will be decided through a separate intersessional decision.*
 - 2) *Conclude the Compliance Committee at least 48 hours prior to the Meeting of the Parties through a mix of correspondence and video conference. Specific topics for discussions by correspondences and videoconferences will be decided through a separate intersessional decision.*
 - 3) *Agree that the Compliance Committee Chair should consult delegations on dates for the Compliance Committee once the date of the Meeting of the Parties has been set.*This decision has passed. **(ref SIOFA Circular 2020/11)**

C. Two decision regarding the Chairs of the Meeting of the Parties and the Scientific Committee were taken during the intersessional period between MoP6 and MoP7:

- On 24th June, the Secretariat with the Chair's support, transmitted an intersessional decision as requested by the Cook Islands concerning the appointment of the MOP Chair and Vice Chair. The decision put to the Meeting of the Parties was as follows:
 - 1) *that that MOP agrees to continue working intersessionally to amend Rule 5 of the Rules of Procedure for adoption at its next meeting, with the aim of implementing processes that will ensure a Chairperson is identified and secured at the end of each future MOP meeting; and*
 - 2) *nominating Kerrie Robertson (Australia) as MOP Chairperson; and Sampan Panjarat (Thailand) as MOP Vice-Chairperson.*

All respondents agreed with the two decisions proposed. Thailand, in its response, proposed an alternative name of Mr Chumnarn Pongsri. This proposal was circulated on 3rd July and no objections to this were received. Australia was explicit in its response that it was only in a position to accept the role until the conclusion of the 2020 annual meeting, in whatever form it takes, and requested that this be recorded in the outcome of the decision.

The quorum requirement has been met and these decisions have passed. **(ref SIOFA Circular 2020/07)**

- In the absence of a candidate from a Contracting Party, on 14th September 2020, the Secretariat transmitted an intersessional decision concerning a proposal to trial a new approach and recruit and independent Chair for the Scientific Committee. 10 delegations responded positively to this intersessional decision. This satisfies the quorum requirement. **(ref SIOFA Circular 2020/14)**